

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	)	
	)	
Dong-Hyun Kim, et al.	)	
	)	Examiner: Amy Lynn Clark
Application No: 10/511,016	)	
	)	Art Unit: 1655
Filed: May 31, 2005	)	
	)	
For (as amended): A METHOD OF	)	
PREPARING A PHARMACEUTICAL	)	
COMPOSITION COMPRISING	)	
FERMENTED GINSENG	)	
	)	

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


DECLARATION UNDER 37 CFR 1.132

I, Lester J. Vincent, do hereby declare and say:

1. A deposit of Bifidobacterium KK-1 was deposited on March 20, 2002 with the Korean Cultural Center of Microorganisms and assigned Accession number KCCM-10364.
2. A copy of the International Form assigning Accession number KCCM-10364 is attached as Appendix A.
3. A deposit of Bifidobacterium KK-2 was deposited on March 20, 2002 with the Korean Cultural Center of Microorganisms and assigned Accession number KCCM-10364.

4. A copy of the International Form assigning Accession number KCCM-10365 is attached as Appendix B.
5. All restrictions imposed by the depositor on the on the availability to the public of Bifidobacterium KK-1, Accession number KCCM-10364 and Bifidobacterium KK-2, Accession number KCCM-10364 will be irrevocably removed upon the granting of a patent.

Date: June 2, 2009

  
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Lester J. Vincent  
Reg. No. 31,460

# **APPENDIX A**

International Form assigning Accession number KCCM-10364



BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

To: Kim, Dong-Hyun  
College of Pharmacy, Kyung-Hee University,  
1 Hoeki-Dong, Dongdaemoun-Ku,  
Seoul 130-701,  
KOREA

RECEIPT IN THE CASE OF AN ORIGINAL  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

<b>I. IDENTIFICATION OF THE MICROORGANISM</b>	
Identification reference given by the DEPOSITOR : <i>Bifidobacterium</i> KK-1	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCCM-10364
<b>II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION</b>	
The microorganism identified under I above was accompanied by: <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
<b>III. RECEIPT AND ACCEPTANCE</b>	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Mar. 22, 2002. (date of the original deposit)	
<b>IV. INTERNATIONAL DEPOSITARY AUTHORITY</b>	
Name : Korean Culture Center of Microorganisms  Address : 361-221, Yurim B/D Hongje-1-dong, Seodaemun-gu SEOUL 120-081 Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Date: Mar. 29, 2002

1 Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired; where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.

# **APPENDIX B**

International Form assigning Accession number KCCM-10365



BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Mr. Kim, Dong-Hyun  
College of Pharmacy, Kyung-Hee University,  
1 Hoeki-Dong, Dongdaemoon-Ku,  
Seoul 130-701,  
KOREA

RECEIPT IN THE CASE OF AN ORIGINAL  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR : <i>Bifidobacterium</i> KK-2	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCCM-10365
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Mar. 22, 2002. (date of the original deposit) <sup>1</sup>	
IV. INTERNATIONAL DEPOSITARY AUTHORITY	
Name : Korean Culture Center of Microorganisms  Address : 361-221, Yurim B/D Hongje-1-dong, Seongnam-gu SEOUL 120-091 Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s)  Date: Mar. 29, 2002

<sup>1</sup> Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired; where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.